

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

3taps, Inc.,  
Plaintiff,  
vs.  
LinkedIn Corporation,  
Defendant.

Case No. 18-cv-00855-EMC

**[PROPOSED] ORDER GRANTING  
DEFENDANT LINKEDIN'S MOTION  
TO DISMISS**

Judge: Hon. Edward M. Chen  
Hearing Date: October 27, 2022  
Hearing Time: 1:30 p.m.  
Ctm: Courtroom 5  
Trial Date: None Set

On August 1, 2022, Defendant LinkedIn Corporation (“LinkedIn”) moved to dismiss the Second Amended Complaint of Plaintiff 3taps, Inc. (“3taps”) in this action. Having reviewed and considered the parties’ written submissions and arguments, as well as the other related papers and pleadings on file herein, and finding good cause appearing, the Court hereby GRANTS Defendant’s Motion to Dismiss.

Plaintiff’s Second Amended Complaint presents claims for declaratory relief regarding the Computer Fraud and Abuse Act, California Penal Code Section 502, and California common law trespass and breach of contract. The Court finds that Plaintiff’s Second Amended Complaint must be dismissed because there is no Article III case or controversy between the parties and, as such, no subject matter jurisdiction. First, 3taps is a void corporation and lacks capacity to bring this suit. Second, 3taps alleges no concrete harm, the hallmark requirement of standing to maintain suit. Third, there is no actual case or controversy between 3taps and LinkedIn because there is no ripe dispute.

Further, even if subject matter jurisdiction exists, I exercise my discretion to dismiss this declaratory relief action. 3taps misrepresented the nature of this purported dispute in order to avoid another judge of this Court and should not be permitted to maintain this action in equity in light of its conduct.

Accordingly, IT IS HEREBY ORDERED THAT, for the reasons explained above, LinkedIn’s Motion to Dismiss is GRANTED. 3taps’s claims against LinkedIn are hereby DISMISSED WITH PREJUDICE.

**IT IS SO ORDERED.**

DATED: \_\_\_\_\_

By: \_\_\_\_\_

HON. EDWARD M. CHEN  
UNITED STATES DISTRICT JUDGE